THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11645 OF 2006

BETWEEN:

Y.Srinivasa Rao son of Late.Y.Gnana Prakash Rao

…Petitioner

vs.

The Deputy Commissioner, Endowments Department, Guntur and two others.

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11645 OF 2006

ORAL ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments for the respondents.

The Executive Officer of Sri Koganti Ramaswamy Trust & Pulichintalapalem Agraharam Tank Trust, Kuchipudi Village, Amruthalur Mandal Guntur District filed O.A.No.41 of 2001 before the 1st respondent against the petitioner's father one

Y.Gnanaprakash Rao seeking handing over of the records of the trust under Sec.133 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act,1987 (for short "the Act"). Pending O.A. the petitioner's father died and thereafter the petitioner and other family members were impleaded as parties. The petitioner states that family members included himself filed a counter denying the averments in the O.A; that the evidence of Executive Officer was closed and the matter posted for the petitioner's side evidence; and that the last adjournment being 04-02-2006, the petitioner requested the 1st respondent to recall PW.1 for cross-examination. This was not considered. Thereupon they filed a petition under Sec.151 of C.P.C to recall PW.1 for cross-examination by way of I.A.No.16 of 2006. The said I.A. was dismissed on 04-02-2006. Thereupon and aggrieved thereby the petitioner filed a revision under Sec.92 of the Act before the 2nd respondent on 01-04-2006 as the 2nd respondent was Regional Appellate authority. At the time of filing the revision the post of the 2nd respondent was vacant. Thereafter the 1st respondent was appointed in charge to function as the 2nd respondent. In the circumstances, the petitioner requested the 1st respondent in his capacity as the in-charge 2nd respondent to transfer the revision to any other authority. The 2nd respondent failed to act. Notices sent by the petitioner to the 2nd respondent did not elicit any response. In the circumstances the writ petition is filed.

The learned Government Pleader for Endowments on instructions states that the post of the Regional Joint Commissioner-Endowments, Tirupati is not likely to be filled up as abolition of the post of the 2nd respondent is on the executive anvil. In the circumstances states the learned Government Pleader the 3rd respondent-Commissioner who can exercise revisional power under Sec.92 would himself take up the revision of the petitioner directed against the order of the 1st respondent dated.04-02-2006 and dispose of the revision expeditiously.

In the circumstances the writ petition is disposed of directing the 3rd respondent to consider and dispose of the petitioner's revision filed on 01-04-2006 against the order of the 1st respondent dated.04-02-2006 expeditiously and in any event within a period of four(4) weeks from the date of receipt of a copy of this order. The reasoned revisional decision of the 3rd respondent shall be communicated to the petitioner within the aforesaid time. No order as to costs.

GODA RAGHURAM,J

19th JUNE 2006

*TSNR